

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

_____)	
JEANNETTE AYINKAMIYE,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 17-54 WES
)	
RHODE ISLAND COLLEGE,)	
CITY OF PROVIDENCE and)	
STATE OF RHODE ISLAND)	
)	
)	
Defendants.)	
_____)	

ORDER

WILLIAM E. SMITH, Chief Judge.

Magistrate Judge Patricia A. Sullivan filed a Report and Recommendation ("R&R") on September 15, 2017 (ECF No. 35), which considered Defendant Rhode Island College's ("RIC") Motion To Dismiss for Failure To State a Claim ("Motion To Dismiss") (ECF No. 33). In the R&R, Magistrate Judge Sullivan recommended that this Court: (1) dismiss without prejudice Plaintiff's claims against Defendant RIC for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure; and (2) order Plaintiff to show good cause why the claims against Defendants the City of Providence and the State of Rhode Island should not be dismissed for failure to timely serve Defendants pursuant to Federal Rule of Civil Procedure Rule 4(m). Having heard no

objections and having carefully reviewed the R&R and pending motion, the Court ACCEPTS the R&R and adopts the recommendations and reasoning therein.

Accordingly, Plaintiff's claims against Defendant RIC are dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure Rule 41(b). Defendant RIC's Motion To Dismiss (ECF No. 33) is therefore DENIED as moot.

Moreover, Plaintiff is hereby ordered to show cause, in writing, why this Court should not also dismiss her claims against Defendants the City of Providence and the State of Rhode Island for failure to prosecute, and more precisely, failure to timely serve Defendants in accordance with Rule 4. Plaintiff has thirty (30) days to provide the Court with information excusing her failure to timely serve Defendants. If Plaintiff does not submit such information by this deadline, or if the information she submits does not suffice to establish good cause, the Court shall dismiss Plaintiff's Complaint in its entirety. Final judgment shall enter in favor of Defendant RIC.

IT IS SO ORDERED.



William E. Smith

Chief Judge

Date: October 11, 2017